

REMARKS

Claims 1-22 are now presented for examination. Claims 1, 11, 12 and 22 have been amended. The specification has been amended as to the matter of form objected to in the Office Action. Withdrawal of the objection is requested. Claims 1 and 12 are the only independent claims.

Claims 1, 3, 5, and 7 were rejected under 35 U.S.C. 102(b) over U.S. Patent No.: 5,826,198 (Bergins). Claim 2 was rejected under 35 U.S.C. 103(a) over Bergins further in view of U.S. Patent No. 6,041,217 (Martin). Claims 4, 12, 14, 16, and 18 were rejected under 35 U.S.C. 103(a) over Bergins further in view of U.S. Patent No. 6,166,729 (Acosta). Claim 6 was rejected under 35 U.S.C. 103(a) over Bergins further in view of U.S. Patent No.: 6,219,540 (Besharat). Claims 8 and 9 were rejected under 35 U.S.C. 103(a) over Bergins further in view of U.S. Patent No.: 5,835,366 (Pleso). Claims 10 was rejected under 35 U.S.C. 103(a) over Bergins and Pleso further in view of U.S. Patent No.: 5,408,520 (Clark). Claim 13 was rejected under 35 U.S.C. 103(a) over Bergins and Acosta further in view of Martin. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bergins and Acosta further in view of Besharat. Claim 19 and 20 were rejected under 35 U.S.C. 103(a) over Bergins and Acosta further in view of Pleso. Claim 21 was rejected under 35 U.S.C. 103(a) over Bergins, Acosta and Pleso further in view of Clark. Applicant submits that the independent claims are patentable for at least the following reasons.

Claim 1 is directed to a communication device, in which data is transmitted and received via a communication section and a line. The device includes: decision means for deciding whether or not to transmit and receive data based on predetermined information corresponding to the state of the line or the internal state of the device or whether or not to interrupt communications if the device is currently in a transmission/reception state; and a controller for controlling the communication section according decision results from the

decision means. The predetermined information contains prediction results based on a prediction of a data amount to be transmitted or received in current communication.

Among the features not taught or suggested in the prior art are the deciding based on predetermined information that includes predictions results based on a prediction of a data amount to be transmitted or received in current communication. For at least this reason, claim 1 is believed patentable over the prior art. Claim 12 is a corresponding method claim and is believed patentable for substantially the same reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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